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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 LYNN BARTON, on behalf of herself and all others  
11 similarly situated,

Case No. 08-CV-01341 JSW

12 Plaintiff,

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED**

13 vs.  
14 FIDELITY NATIONAL FINANCIAL, INC., et al.

15 Defendants.

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17 THIS DOCUMENT RELATES TO:

Case No. 08-CV-03391 EMC

18 RUBEN ROMERO and SARAH YAHN, on behalf of  
19 themselves and all others similarly situated,

20 Plaintiffs,

21 vs.

22 FIDELITY NATIONAL FINANCIAL, INC., et al.,

23 Defendants.

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1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to Local Rules 3-12, Plaintiffs Ruben Romero and  
3 Sarah Yahn submit this administrative motion for the Court to consider whether *Ruben Romero, et al.*  
4 *v. Fidelity National Financial, Inc., et al.*, Case No. C 08-03391 EMC, a putative class action lawsuit  
5 filed on July 14, 2008, should be related to the *Lynn Barton v. Fidelity National Financial, Inc., et al.*,  
6 Case Number: 08-CV-01341 JSW, filed March 10, 2008, the low-numbered action also pending in  
7 this District. That action has been assigned to the Honorable Jeffrey S. White. In addition to the  
8 *Barton* action, the other related action pending in this District is *Lisa Gentilcore v. Fidelity National*  
9 *Financial, Inc., et al.*, Case Number. 08-CV-01374 JSW, filed on March 11, 2008, also assigned to the  
10 Honorable Jeffrey S. White. The *Barton* and *Gentilcore* actions were ordered related on April 10,  
11 2008.

12 These actions involve substantially the same transactions, events, questions of law, and allege  
13 essentially the same violations of federal and California state antitrust law as well as violations of  
14 California unfair competition law against substantially the same defendants. These actions allege that  
15 defendants conspired to fix the price of title insurance sold in California and that defendants agreed  
16 not to compete, based on price, thereby harming consumers who purchased or refinanced real estate  
17 located within California. The actions assert substantially the same rights on behalf of consumers who  
18 purchased title insurance directly from defendants.

19 It appears likely that there will be an unduly burdensome duplication of labor and expenses  
20 and potentially conflicting results if the cases are heard before different judges.

21 Given the similarities of these actions, assignment of these cases to a single Federal District  
22 Court Judge will conserve judicial resources and promote efficient determination of the actions while  
23 avoiding potentially conflicting results. All three cases pending in this District are at a preliminary  
24 stage and, thus, assignment to a single judge would not prejudice any of the parties. Accordingly,  
25 plaintiffs Ruben Romero and Sarah Yahn respectfully request that the action entitled *Ruben Romero,*  
26 *et al. v. Fidelity National Financial, Inc., et al.* be deemed related to *Lynn Barton v. Fidelity National*  
27 *Financial, Inc., et al.*, the first filed case in this District, and that is presently assigned to the  
28 Honorable Jeffrey S. White.

1  
2 DATED: July 16, 2008

Respectfully submitted,

4 By: /s/ Alex C. Turan  
5 Alex C. Turan

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13 *Attorneys for Plaintiffs Ruben Romero and Sarah*  
14 *Yahn*

**CERTIFICATE OF SERVICE**

I, Alex C. Turan, hereby certify that on July 16, 2008, I filed the following document(s):

- 1. ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**
- 2. [PROPOSED] ORDER RELATING CASES**

By ECF (Electronic Case Filing): I e-filed the above-detailed document utilizing the United States District Court, Northern District of California's mandated ECF service on July 16, 2008. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, CA on July 16, 2008.

/S/ *Alex C. Turan*

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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 LYNNE BARTON, on behalf of herself and all others  
14 similarly situated,

15 Case No. 08-CV-01341 JSW

16 Plaintiff,

17 **[PROPOSED] ORDER RELATING**  
18 **CASES**

19 FIDELITY NATIONAL FINANCIAL, INC., et al.

20 Defendants.

21 Case No. 08-CV-03391 EMC

22 THIS DOCUMENT RELATES TO:

23 RUBEN ROMERO and SARAH YAHN, on behalf of  
24 themselves and all others similarly situated,

25 Plaintiffs,

26 vs.

27 FIDELITY NATIONAL FINANCIAL, INC., et al.,

28 Defendants.

1 On July 16, 2008, Plaintiffs in *Romero, et al. v. Fidelity National Financial, Inc., et al.*, Case  
2 No. 08-CV-03391 EMC, filed an Administrative Motion to Consider Whether Cases Should Be  
3 Related, pursuant to Local Rule 3-12. The Court, having considered the papers and pleadings on file,  
4 and good cause appearing, HEREBY GRANTS the motion.

5 IT IS ORDERED that *Romero, et al. v. Fidelity National Financial, Inc., et al.*, Case No. 08-  
6 CV-03391 EMC, is hereby related to *Barton v. Fidelity National Financial, Inc.*, Case No. 08-CV-  
7 01341 JSW.

8 *Romero, et al. v. Fidelity National Financial, Inc., et al.* shall be reassigned to the undersigned  
9 judge pursuant to local Rule 3-12(f).

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11 Dated: \_\_\_\_\_

12 By: \_\_\_\_\_  
13 The Honorable Jeffrey S. White  
14 United States District Judge  
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